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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IKONICS CORPORATION

Opposer

v.

SAWGRASS TECHNOLOGIES, INC.

Applicant

Opposition No. 91179537

Application Serial No. 78/940,864

Mark: **CHROMABLAST**

International Classes: 9, 2, 16

**APPLICANT'S ANSWER TO NOTICE OF  
OPPOSITION**

Applicant Sawgrass Technologies, Inc., a South Carolina Corporation, answering the Notice of Opposition of the Opposer, alleges and says as follows:

1. That as to paragraph 1 of the Notice of Opposition, Applicant admits same.

2. That as to paragraph 2 of the Notice of Opposition, Applicant denies the allegations to the degree that it mischaracterizes the goods sold by Applicant and identified by Applicant's CHROMABLAST mark; Applicant states that its goods sold under its CHROMABLAST mark are related to digital printing, including digital printing of computer generated images upon textiles, and including T-shirts. Applicant admits that Exhibit A is taken from Applicant's website.

3. That as to paragraph 3 of the Notice of Opposition, upon information and belief, Applicant admits that the Opposer sells supplies, chemicals and accessories for screen printing, and that designs may be reproduced on textiles, including T-shirts, by screen printing. Applicant admits that Exhibit B is taken from Opposer's website.



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4. That as to paragraphs 4 through 6 of the Notice of Opposition, upon information and belief, Applicant admits same.

5. That as to paragraph 7, of the Notice of Opposition, Applicant is without sufficient information to admit or deny the allegations of said paragraph and therefore denies same and demands strict proof thereof.

6. That as to paragraphs 8 through 12 of the Notice of Opposition, Applicant denies same.

7. That as to the first sentence paragraph 13 of the Notice of Opposition, Applicant admits same. That as to the second sentence of paragraph 13 of the Notice of Opposition, Applicant denies same.

8. That as to paragraph 14 of the Notice of Opposition, Applicant denies same.

#### **FOR A SECOND DEFENSE**

The Opposition is barred by the acquiescence of the Opposer.

#### **FOR A THIRD DEFENSE**

The Opposition is barred by the doctrine of estoppel.

#### **FOR A FOURTH DEFENSE**

The Opposition is subject to dismissal for Opposer's failure to state the required elements of an Opposition.

#### **FOR A FIFTH DEFENSE**

The Opposition is subject to dismissal for Opposer's failure to establish standing

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to bring and maintain the Opposition.

**FOR A SIXTH DEFENSE**

The Opposition is subject to dismissal for Opposer's failure to specifically set forth in the Opposition how it will be harmed if the Applicant's mark is registered.

**FOR A SEVENTH DEFENSE**

The Registrations of Opposer as plead in the Notice of Opposition were acquired or obtained by fraud and/or misrepresentation and are invalid.

WHEREFORE, the Applicant prays that the Opposition be dismissed, and that the registration of Applicant's mark **CHROMABLAST** be issued.

BARNWELL WHALEY PATTERSON & HELMS, LLC

By: 

B. Craig Killough  
Registration No. 30,398  
Attorneys for Applicant  
885 Island Park Drive  
Charleston, SC 29492  
(843) 577-7700

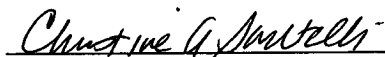
November 26, 2007

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**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a copy of Applicant's Answer to Notice of Opposition has been served this 26<sup>th</sup> day of November, 2007 by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to:

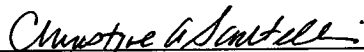
Linda M. Byrne  
Crawford Maunu PLLC  
1270 Northland Drive  
St. Paul, MN 55120



Christine A. Santelli  
Paralegal to B. Craig Killough  
Attorney for Applicant  
885 Island Park Drive  
Charleston, SC 29492  
(843) 577-7700

**CERTIFICATE UNDER 37 C.F.R. §1.8(a)**

I hereby certify that the foregoing Answer to Notice of Opposition is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, **Attn: Trademark Trial and Appeal Board**, P.O. Box 1451, Alexandria, Virginia 22313-1451 on this 26<sup>th</sup> day of November, 2007.



Christine A. Santelli  
Paralegal to B. Craig Killough  
Attorney for Applicant  
885 Island Park Drive  
Charleston, SC 29492  
(843) 577-7700